

Form 07 - CORPORATION

**LICHTER, GLIEDMAN, OFFENKRANTZ PC****ATTN:**

U.S. SOUTHERN DIST. COURT NEW YORK COUNTY

Index No. 08CV00392MGC

HARRY NIEBERG, AN INDIVIDUAL AND plaintiff  
 HARRY NIEBERG FUNERAL HOME, INC. ETC.  
 - against -

Date Filed .....

Office No.

NIEBERG MIDWOOD CHAPEL INC., A NEW defendant  
 YORK CORPORATION, ETANO

Court Date: / /

NIEBERG MIDWOOD CHAPEL INC. ETANO third party plaintiff

- against -

HARRY NIEBERG, ETAL third party defendant

STATE OF NEW YORK, COUNTY OF NEW YORK :SS:

**ABRAHAM FRANCO** being duly sworn, deposes and says; I am over 18 years of age,  
 not a party to this action, and reside in the State of New York. That on the  
 28th day of February, 2008 at 11:28 AM., at  
 1283 CONEY ISLAND AVE  
 BROOKLYN, NY 11230

I served a true copy of the

**SUMMONS****AND ANSWER AND COUNTERCLAIM**upon **SHERMAN FUNERAL HOME INC.**

a domestic corporation, the COUNTER CLAIM DEF'T therein named by delivering to,  
 and leaving personally with

**ANDREW COTTONE, MANAGER AND MANAGING AGENT**

a true copy of each thereof.

Deponent describes the person served as aforesaid to the best of deponent's  
 ability at the time and circumstances of the service as follows:

SEX: **MALE**COLOR: **WHITE**HAIR: **BROWN**APP. AGE: **50**APP. HT: **5:10**APP. WT: **300**

OTHER IDENTIFYING FEATURES:

Sworn to before me this  
 4th day of March, 2008k

JOEL GOLUB  
 Notary Public, State of New York  
 No. 01G04751136

Qualified in NASSAU COUNTY

Commission Expires 12/31/2009

ABRAHAM FRANCO 1098333  
 AETNA CENTRAL JUDICIAL SERVICES  
 225 BROADWAY, SUITE 1802  
 NEW YORK, NY, 10007  
 Reference No: 7LG0113690